

REMARKS

Applicants respectfully present Claims 1 - 37 for examination in the RCE filed herewith. Claims 1, 14, 20 and 26 have been amended herein to more clearly define the scope of the claimed invention. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated June 5, 2007 in the parent application.

Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner objected to the term "tangible storage accessible medium." Applicants respectfully submit that Claims 26-37 have been further amended and that this amendment renders the objection to the specification moot. Applicants therefore respectfully request the Examiner to withdraw the objection to the specification.

35 U.S.C. §102

Claims 20-25 stand rejected under 35 U.S.C. 102(e) as anticipated by Zimmer 4687 (US Patent App. 2005/0114687 A1) ("Zimmer 4687"). Applicants respectfully traverse the Examiner's rejections.

Applicants respectfully submit that Zimmer 4687 is an invalid reference under 35 U.S.C §102, which states:

"A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or" (emphasis added)

Applicants respectfully highlight the term “by another” in the statute. In the present case, Applicants respectfully submit that Zimmer 4687 and the present application are assigned to a common assignee (Intel Corporation). As such, Zimmer 4687 is an invalid reference under 35 U.S.C §102 and Applicants respectfully request the Examiner to withdraw the rejection to Claims 20-25 under 35 U.S.C §102.

35 U.S.C. §103

Additionally, Claims 1-19 and 26-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer 1968 (US Patent App. 2005/0021968 A1) (“Zimmer 1968”) in view of Zimmer 4687. Applicants respectfully traverse the Examiner’s rejections.

Under the American Inventors Protection Act (AIPA), subject matter which was prior art under 35 U.S.C. 103(a) via 35 U.S.C. 102(e) was as disqualified prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” (emphasis added) Applicants respectfully submit that Zimmer 4687, Zimmer 1968 and the present application are all assigned to a common assignee (Intel Corporation). As such Applicants respectfully submit that these references are not valid references under 35 U.S.C. §103 and respectfully request the Examiner to withdraw the rejection to Claims 1-19 and 26-37.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-37 are now in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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